

1866-002
Lee Co.

Chancery Causes: Thomas S. Ely & wife vs. Susan P. Willis, &c
widow

Esther~, Mary~, Thomas~, Reuben~, Sarah~, Betsy~, Anderson~,
Margaret~, Cynthia~

CA - Estate Dispute

T - Property
Slavery

To the worshipful County Court of Lee County
The bill of Complaint of Thomas S. Elly and
Susan M. his wife respectfully ^{represents}, That
John S. Millis late of this County died on the day
of 185 intestate, at the time of his
death he owned both real and personal estate
of very considerable value and was but little
in debt. The deceased left a widow named
Susan who with David C. Millis administered
on the estate of decedent. After the payment
of the debts due by decedent there remained of
of the personal estate and proceeds arising
therefrom a considerable amount besides
the following negroes viz. Esther, Mary, Thomas
Reuben, Sarah, Betsey, Anderson, Margaret & Cynthia.

which according to the laws of this State have
descended to the said Susan M. wife of your brother
John C. Millis David C. Millis, Jeremiah S. Millis
Alexander Millis and James Millis the heirs at
law and distributees of John S. Millis dec'd. Subject
to the said widow's dower interest which interest
has not yet been assigned her, your brother and
brother being desirous that the widow's dower
be assigned her in said slaves and distribution
made of the remainder among the children and
heirs of the intestate according to the statute
of distribution, pray that the said David C.
Millis John C. Millis Jeremiah S. Millis Alexander
S. Millis and James Millis the children and heirs
at law with your brother of John S. Millis
dec'd. Susan P. the widow and David C. Millis
& Susan P. Millis the administrators and adm

in which case be made parties defendants to this
bill and answer the same truly upon oath.
- That upon a hearing of the cause Commissioners
be appointed directed to assign the said widow
her dower interest in said slaves and dis-
tribute the rest in kind which your brother
& brother think will be practicable among
those entitled according to the statute
of distributions, that a guardian ad litem
be appointed for the said Alexander and
James who are infants under the age
of 21 years, And that all things be done
by your worship which ought to be
done and nothing more, so that perfect
justice and equality be effected
and general relief. May it please
your worship to direct Summons
to issue &c.

Hayden & Richmond

(H. H.)
Wm. S. Ely & wife

pa. } Bill
}

Declar. P. Miller & others

1860. Oct. 12. bill filed

" For bill taken pro. long

" Dec. 12. Miller offp.
inlet of road and return
for infant up to

" Dec. 12. Decree
1866. April Term Final Decree
and Cause Stricken from Docket

£ 4.61 chd.

a 5.00

f 1.00

g 5.00

h 4.00

\$ 19.61

To the Worshipful County Court of Lee
County in Chancery sitting:

The answer of Alexander Willis and James
Willis infant heirs of John S. Willis deceased by
David Miller their guardian ad litem to
the bill of Complaint filed in this worshipping
Court by Thomas S. Ely and Susan M. his wife
against these defendants and others:

These defendants by David Miller their guar-
dian ad litem for answer to said bill say
that they are infants under the age of twenty
one years and are not capable of judging as
to their rights in the bill mentioned and con-
sequently neither admit nor deny the complain-
ant's allegations and reserve to themselves the
benefits of the usual exceptions to Complainant's
bill now and at all times hereafter and ask
that the Compts. be required to proceed in
the cause as equity requires and ask the pro-
tection of the Court in any and every
thing that affects their rights in the premises

And having answered they pray to be dis-
missed with their costs.

David Miller

Guardian ad litem

Virginia Lee County to wit:

This day David Miller (guardian ad litem
for Alexander Willis and James Willis infant heirs of
John S. Willis deceased) personally appeared before
the undersigned a justice of said County and made
oath that the above answer is true to the best
of his knowledge and belief. Given under my
hand this the 5th day of Dec. 1860. Thos Baylor J.P.

David C. Willis & others

ads. Answer of
Guardian
ad litem.

Thos. J. Ely & wife

Execution at litem per for this answer. 1857

Thomas S. Ely & wife

against

Susan P. Willis & others

In Ely

This Cause came on again This day to be heard upon the papers formerly read in the Cause, the report of P. M. Bales Alexander Chadwell & Joshua Ewing Commissioners appointed by a decree in this cause and was argued by Counsel, and it appearing that said report has been returned to and filed in this Court more than 30 days and no exceptions have been filed thereto the same is therefore confirmed. And it appearing to the Court from said report that the said Commissioners assigned to Susan P. Willis the widow the following Slaves to wit Esther Thomas & Morgan - at for her dower interest in the slaves in the bill mentioned. She the said widow consenting to pay to the heirs of Geo. Willis dec'd \$83.34 This being the excess of the value of the slaves assigned her beyond her dower interest. That said Commissioners allotted to David C. Willis as his distributive share the negro Slave Mary valued at \$800.00. He the said David consenting to pay to certain others of the heirs of dec'dent \$241.67 This being the excess of the value of the slave Mary beyond his distributive share. That said Commissioners allotted to J. C. Willis the negro Slave Sarah valued at \$500.00. He having received notes of others of the heirs amounting to \$72.22. This sum making up his distributive share. That said Commissioners allotted to J. Skilton Willis the slave Anderson valued at \$350.00. He

having received from certain of the other heirs
notes amounting to \$222.22. This sum making
up his distributive share that said Comrs allotted
to Thos. S. El & wife. the negro slave Reuben
valued at \$600.00 they having ~~received~~ ^{paid} of
note to the heirs \$41.67 This being the
excess of their distributive share that Comrs
allotted to Alexand Willis the slave Betty of
valued at \$500.00 he having received of
the other heirs \$72.22. This sum making
up his distributive share that Comrs allotted
to James Willis the negro slave Cynthia
valued at \$600.00 he consenting to pay to the
other heirs \$27.78 This being the excess of
his distributive share. It is ordered decreed
and adjudged that the said Susan P. retain
for her dower interest the slaves assigned to
her as aforesaid. And that each of the other
heirs of John S. Willis do. hold the absolute
property in the slave allotted to each as before
stated, by said Commissioners. And it is
ordered that complainant and the adult
defendants pay the costs of this suit.

And the cause is stricken from the
docket.

Thos S. Edwidge

vs. } final decree

Susan P. Willis & others

Virginia.

At a court begun and held for Lee County at the Court house thereof on Monday the 17th day of December 1860.

Thomas P. Ely & wife Complainants

against

In Chancery.

Susan P. Willis and others Defendants.

Upon motion of complainants, this cause was ordered to be placed on the issue docket and the same came on to be heard this day on the bill of complainants. the answer of Alexander Willis, and James Willis, by David Miller their guardian ad litem, and was argued by counsel; and it appearing to the Court that process was duly served upon the other Defendants, and they failing to appear and answer the bill, is therefore taken for confessed as to them;

Upon consideration whereof, it is ordered adjudged and decreed, that Robert M. Hales, Alexander H. Chadwell Sr. and Joshua Ewing, be and they are hereby appointed commissioners for the purpose, and they are directed to assign and lay off to Defendant Susan P. Willis, widow of John P. Willis deceased her dower interest, which is one third of the Slaves, in the bill mentioned and the remainder of said Slaves. The said commissioners are directed to distribute equally among the children and heirs of the said Willis deceased mentioned in the bill, and report to the next term of this Court, until which time the cause is continued.

A copy

Teste.

William P. Paul, Clk.

Thos. P. Ely. v. ab

vs $\frac{3}{3}$ Copy Deceit

Susan D. Willis v. ab

Jan 21st 1861

Executed &

Returned

J. J. Bess by J. B.

Thomas S. Ely & wife

vs

Eusebe P. Willis & others

In Chancery

Upon motion of complainants this cause was
ordered to be placed on the issue docket. And
the same came on to be heard this day
on the bill of complainants The answer
of Alexander Willis and James Willis by
David Miller their guardian ad litem
and was argued by counsel. And it
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only served upon the other defendants
& and they failing to appear and answer
the bill is therefore taken for confessed
as to them. Upon consideration whereof
It is ordered adjudged and decreed that
Robert M. Bales, Alexander M. Chadwell & Joshua Ewing
be and they are hereby appointed commis-
sioners for the purpose and they are
directed to assign and lay off to defendant
Eusebe P. Willis widow of John S. Willis dead
her dower interest which is one third of
the slaves in the bill mentioned and
the remainder of said slaves the said
commissioners are directed to distribute
equally among the children and heirs
of the said Willis dead mentioned in
the bill and report to the next term
of this Court until which time the
cause is continued

Thos S. Webb's wife

no } Deane

Susan P. Willis do

Catered - Dec. Term
1860

From S. Hillis & wife

no. 1 Report of Commrs

Susan S. Hillis & wife

1861, Jan 22, This report
filed
H. J. Morgan, Clk

Pursuant to a decree of The County
Court of Lee County at the December
Term ¹⁸⁶⁰ the undersigned being appointed
commissioners to divide The Slaves of the
The estate of John S. Willis decd. between
The Widow and heirs at law of said decd.
they leave to report that we valued the
nine Slaves to be divided at Fifty one
Hundred and Fifty Dollars \$5150.00

The Widows dower being Seventeen
Hundred, Sixteen dollars and Sixty six cents \$1716.66
She Recd Esther at 800.00

" " Thomas " 800.00

" " Margaret " 200.00 1800.00

Leaving a balance to pay over to 6 heirs \$83.34 \$572.22

David C. Willis's distributive share is \$572.22

Recd Mary at ~~800.00~~ 800.00

By his note to Shelton Willis 208 33

" " " J. C. Willis 33 34 241.67

amt from Mother - ~~\$21.22~~ 13.89 558.33 572.22

J. C. Willis

Recd. Sarah at 500.00

" D. C. Willis's note 33. 34

" Thos. Eliza's note 24. 99

" amt from Mother 13. 89 \$572.22

Shelton Willis

Recd. Anderson at 350.00

" D. C. Willis's note 208 33

" from Mother 13 89 \$572.22

\$3433.32

amt brot over

3433,32

Thomas Ely & wife

Recd. Beulen at

\$600,00

By his note to J. C. Willis 24.99

" " " " Alex Willis 16.68

41.67

To amt from Widow

558.33

1389

\$572.22

Alexander Willis

Recd Betsy at

\$500,00

To James note

41.67

" Thos Ely "

16.68

" amt of Mother

1389

\$572,24

James Willis

Recd Cynthia at

\$600-00

By note to James Willis

41.67

To amt from Mother

558.33

1389

\$572,22

\$5150,00

All of which is respectfully submitted
Given under our hands this 29th day of
December 1860

R. M. Bates

Alexander H. Chadwell

Joshua Ewing

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *David C. Willis, John C. Willis, Jeremiah S. Willis, Alexander Willis, and James Willis, heirs at law: and distributees of John C. Willis Deed, Susan S. Willis, Widow of said John C. Willis and David C., and Susan S. Willis administrators and administratrix of the said John C. Willis, Deceased* —

to appear before the Justices of our County Court for Lee county, at the Court House, *On the first Monday in October 1860.* ————— to answer

a bill in Chancery exhibited in our said Court against *them* by *Thomas S. Ely, and Susan M. his wife, formerly Susan Willis* —

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this *6th* day of *September* 1860, in the *85th* year of the Commonwealth.

H. J. Morgan Clerk —
" " "

(H. & R)

Thomas S. Ely & wife -

vs { Sp^a in Chancery
3

David C. Willis & others

Oct^r Rules - 1860 -

September 12th 1860

Executed

J. P. Brown, D.S.

for A. B. Russell